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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,898	07/14/2003	J. Robert Swan	076593.000002	7349

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EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,898

Applicant(s)

SWAN, J. ROBERT

Examiner

Bret C Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1, 9 and 17 recite the limitation "the occurrence" in lines 9, 8 and 10, respectively. There is insufficient antecedent basis for this limitation in the claims. Examiner suggests --an occurrence--.
4. Claim 2 appears unclear as the recitations of "a hole", "an electrode" and "an electrical shock" were previously recited in claim 1 in relation to "a receptacle". These limitations should be identified as either --a second hole-- or --the hole--, as however applies.
5. Any unspecified claim is rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Application Publication US2002/0050250 A1 to Peterson et al.
7. Re – claim 1, Peterson et al. disclose the invention substantially as claimed including an animal collar comprising: a flexible band 136 having two ends, Fig. 2, for example, a fastener 56; at least a portion of the band 136 having an inner layer 134 and an outer layer, the band itself 136; a pair of electrical terminals 148 mounted to the band 136, the terminals 148 being

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accessible through holes in the outer layer **136** for receiving a control unit **132** that supplies an electrical signal upon an occurrence of a selected event, set forth at paragraph **[0019]**; at least one electrically conductive lead **143** having a terminal end in electrical engagement with one of the terminals **148**, the lead **143** extending between the inner **134** and outer **136** layers and terminating in an electrode end **147**; and a receptacle **52** in electrical contact with the electrode end **147** of the lead **143**, the receptacle **52** being accessible through a hole **153** in the inner layer **134**.

8. Re – claim 2, Peterson et al. disclose a second lead and receptacle.
9. Re – claim 4, Peterson et al. disclose the receptacle **52** comprising an internally threaded socket.
10. Re – claim 5, Peterson et al. disclose each of the terminals **148** comprising an externally threaded member **184** that protrudes from the outer layer **136**.
11. Re – claim 7, Peterson et al. disclose the claimed invention including a pocket **145** that receives the lead **143**, except for the inner and outer layers being stitched together at opposite edges of the band **136**. The method of forming the device, “stitching”, is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.
12. Re – claim 8, Peterson et al. disclose the inner layer **134** having a shorter length than the outer layer **136**.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3, 6 and 9 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al.

15. Re – claims 3 and 6, Peterson et al. disclose the claimed invention, including wiring ending at conductive annular terminals **147** surrounding two openings **149**, except for the lead comprising a flat strip of conductive material; and a flat strip of woven conductive material and a flat fitting of conductive metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a flat strip of conductive material or a flat strip of woven conductive material and a flat fitting of conductive metal for the wiring, since the equivalence of wiring and a flat strip of conductive material or a flat strip of woven conductive material and a flat fitting of conductive metal for their use in the electrical circuit design art and the selection of any known equivalents to wiring would be within the level of ordinary skill in the art.

16. Re – claims 9 and 17, Peterson et al. disclose the claimed invention as applied above and alternatively, Fig. 8, for example, including a pair of terminals **252** extending through and protruding from the inner layer, except for the terminals extending through and protruding from the outer layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the threaded terminals **252** emanating from the control device **232** with screws or bolts being drivable into the control device **232**, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

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17. Re – claim 10, see claim 1 in view of claim 9 above.
18. Re – claims 11 and 12, see claims 3 and 6 in view of claim 9 above.
19. Re – claim 13, see claim 7 in view of claim 9 above.
20. Re – claim 14, see claim 8 in view of claim 9 above.
21. Re – claim 15, see claim 9 in view of claims 3 and 6 above – art recognized equivalents.
22. Re – claim 16, Peterson et al. disclose the claimed invention except for further comprising an electrical insulator enclosing a head of each of the screws. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an electrical insulator, however and wherever desired, since it was known in the electrical art that insulating sources of electrical contact against unwanted contact prevents shocks due to shorting of the electrical circuit.
23. Re – claim 18, see claim 13 above.
24. Re – claim 19, Peterson et al. disclose the claimed invention except for the fastener comprising a buckle and buckle attachment holes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a buckle and buckle attachment holes for the fastener of Peterson et al., since it was known in the collaring art that buckles and holes are secure means for fastening a collar about a neck.
25. Re – claim 20, see claims 9 and 16 above.

Conclusion

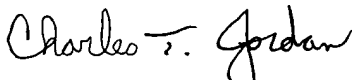
Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

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If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306 – 4159. The fax number is (703) 872 – 9306.

bh

3/24/04


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